

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

MICHAEL E. GUNTER, SR.)	
)	
Plaintiff,)	
)	
v.)	No. 13-cv-01036-DRH-DGW
)	
)	
THE UNITED STATES)	
OF AMERICA,)	
)	
Defendant.)	

JURISDICTION

Jurisdiction lies pursuant to the Federal Tort Claims Act,
Title 28 U.S.C. 2674.

COUNT I

(Negligence v. United States of America)

Comes now the plaintiff, MICHAEL E. GUNTER, SR., by and
through his attorney, **KEEFE & KEEFE, P.C.**, and for Count I of his
Complaint against the defendant, UNITED STATES OF AMERICA,
states:

1. That on or about October 9, 2009 and at all times herein
mentioned, the defendant, United States of America, owned and
operated a hospital, Marion VA Medical Center, in Marion,
Illinois, when they, by and through their agents, servants, and
employees assumed the care of plaintiff Michael Gunter.

2. That at this time plaintiff presented himself to the
urology department at the VA he was found to have an abnormally
high Prostate-Specific Antigen ("PSA") reading - suggestive of
prostate cancer - and though a four month follow-up visit was

suggested in the medical records - it was never communicated to plaintiff and defendant never scheduled it.

3. That plaintiff's follow-up visit did not occur until July 18, 2012, nearly 3 years after the discovery of the elevated PSA reading on October 9, 2009.

4. That on November 30, 2012, a biopsy was finally performed and plaintiff was diagnosed with prostate cancer.

5. That the defendant, individually and by and through its agents, servants, and employees was guilty of one or more of the following negligent acts or omissions:

- a) Negligently and carelessly failed to timely diagnose prostate cancer;
- b) Negligently and carelessly failed to obtain an appropriate consultation to permit timely diagnosis of said condition;
- c) Negligently and carelessly failed to render appropriate care for the condition in a timely fashion.

6. That as a direct and proximate result of the negligence of the defendants as aforesaid, plaintiff's condition went undiagnosed and untreated. He has suffered permanent pain, mental anguish, disability and disfigurement, has been permanently prevented from attending to his usual affairs and duties, and has incurred large sums of money in hospital, medical, and related expenses, and will incur additional sums in the future, all to his damage in a substantial amount.

WHEREFORE, plaintiff demands judgment against the defendant in an amount greater than TEN MILLION DOLLARS (\$10,000,000.00), plus costs.

/s/Thomas Q. Keefe, Jr.

THOMAS Q. KEEFE, JR.

Ill. Reg. No. 03123418

Attorney for Plaintiff

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